



ABSTRACT

Public Servants - Department for Women, Children, (Estt) Disabled & Senior Citizens - Allegation of offering of illegal gratification to the Dir, WD&CW Dept Hyderabad by Smt. J M J Komali, Project Director DW&CDA, Vizianagaram District – Sanction of Prosecution - Orders - Issued.

DEPARTMENT FOR WOMEN, CHILDREN, (ESTT) DISABLED & SENIOR CITIZENS

G.O.Ms.No.56,

Dt:22nd November 2010.

Read:

From the Director General, Anti-Corruption Bureau, A.P.,
Hyderabad, Lr.No.C.No.307/RCO/Cri/2009, dt.05.10.2010.

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ORDER:-

Whereas, Smt. J M J Komali, (Accused Officer), worked as Project Director, DW&CDA, Vizianagaram District from 12/11/2007 to 02/01/2009 (till the date of her suspension) and by the virtue of the post held by her, she falls under the category of public servant as defined under section 2 (c) of the Prevention of Corruption Act, 1988 (Act 49 of 1988);

2. And whereas, it was observed that the said AO while working at the above place failed to discharge her duties properly and not made any efforts to replicate certain models developed in the filed of pre-school education in any AWCs or sectors of her jurisdiction. The Prl.Secy to Govt., WDCW&DW Dept., AP Secretariat, Hyderabad during her visit to Vizianagaram District, observed the above shortfalls of AO and gave directions to the DD, WD&CW Visakhapatnam vide memo bearing No.2284/Estt-A2/2008, dt.28/05/2008 to monitor and review more closely the work of AO and marked a copy of the memo to the Complainant, Smt. Y.V. Anuradha, IAS, the then Dir, WD&CW Dept Hyderabad. Consequently complainant instructed the AO on several times to improve her performance. Despite that there was no change in the attitude of AO which prompted the complainant to issue a show cause notice, dt.10/12/2008 calling for AOs explanation in the shortfalls noticed against her. Further, the complainant sent a proposal vide Lr.No.4665/E1/2004, dt.14/10/2008, to the Prl.Secy to Govt., WD&CW, AP Secretariat Hyderabad, recommending to shift the AO to the post with a desk job on administrative grounds. AO came to know about the above proposals and on 02/01/2009 when she visited Hyderabad on official work; she went into the chambers of complainant at about 7 PM and put a small cover on the table of the complainant. When complainant tried to open the cover, AO told her that, it was for purchasing any item of her choice. Surprised with the conduct of AO complainant immediately called the attender Sri Pilli Sridhar into her chambers and in his presence she asked AO as to what are the contents of the cover. Then, AO told that there is a greeting card and some money for buying a saree of complainant's choice. Upon which, complainant directed the attender to send the AO. Out from the chambers along with cover brought by her. Then, AO took the cover from the top of the table of the complainant and went out from the chambers. While the complainant was contemplating to initiate disciplinary action into the matter, AO again entered the chambers of complainant and requested her to pardon her. Considering the seriousness of the incident, complainant took deposition of the attender Sri Pilli Sridhar duly attested by the witnesses

(PTO)

1) Smt. Sarala Rajyalaxmi, DD, ICDS, and 2) Sri A Udayakumar, PA to Dir, WD&CW Dept Hyderabad and placed AO under suspension with immediate effect vide proceedings No.1/PC/DIR/WD&CW/2008, dt.02/01/2009. during the later course, complainant sent a report against AO to the Prl.Secy to the WDCW&DW Dept., Hyderabad vide Lr.no.79/vig-1/09, dt.13/04/2009, on which the matter was referred to the Director General, Anti Corruption Bureau, AP Hyderabad for detailed investigation.

3. The DG, ACB, A.P., Hyderabad in his final report submitted vide reference read above found and recommended as follows...

“In view of the oral, documentary and circumstantial evidence, it is clear that AO offered illegal gratification to the complainant anticipating her (AO's) transfer to a post with desk job due to poor work turned out by her in her jurisdiction. Therefore, AO may be prosecuted in a court of law u/s 12 of PC Act 1988.

Accused officer did not submit annual property returns to the department during her entire service, except in the years 2007 & 2008 and thereby violated APCS (Conduct) Rules 1964.”

4. And whereas; the said acts of Smt. J M J Komali, (Accused Officer), ,Project Director, DW&CDA, Vizianagaram District, constitute the offences *punishable* under section 7 and sub-section (2) of section 13 read with clause (d) of Sub-Section (1) of Section 13 of the Prevention of Corruption Act, 1988 (Act 49 of 1988);

5. And *whereas*, the *Government* of Andhra Pradesh, being the competent authority to remove the said Smt. J M J Komali, (Accused Officer), Project Director, DW&CDA, Vizianagaram District from her office, after fully and carefully examining the material placed before them, in respect of the said allegation and having regard to the facts and circumstances of the case, consider that the said Smt. J M J Komali, (Accused Officer), Project Director, DW&CDA, Vizianagaram District should be prosecuted in a court of law for the aforesaid offences.

6. Now, therefore, in exercise of the powers conferred under clause (b) of sub section (1) of section 19 of the Prevention of Corruption Act, 1988 (Act 49 of 1988), the Government of Andhra Pradesh, hereby accord sanction for prosecution of the said Smt. J M J Komali, (Accused Officer), Project Director, DW&CDA, Vizianagaram District *for the aforesaid offences punishable* under section 7 and sub section (2) of section 13 read with clause (d) of sub section (1) of section 13 of the Prevention of Corruption Act, 1988 (Act 49 of 1988) and for any other cognate offences punishable under the provisions of law for the time being in force in respect of the aforesaid acts and for taking cognizance of the said offence by a court of competent jurisdiction.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M. CHAYA RATAN,
SPECIAL CHIEF SECRETARY TO GOVERNMENT.

To
The Director General,
Anti Corruption Bureau,
A.P.,Hyderabad

// FORWARDED BY ORDER //

SECTION OFFICER